

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**DOUGLAS I. HORNSBY, Administrator
of the Estate of CYNTHIA GARY,**

Plaintiff,

v.

Case No. 2:22cv427

UNITED STATES of AMERICA,

Defendant.

**PLAINTIFF’S RESPONSE TO DEFENDANT
COASTAL MECHANICAL SYSTEMS, LLC’S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Defendant Coastal Mechanical Systems, LLC filed a motion for judgment on the pleadings seeking dismissal of Count VIII of the Amended Complaint, which asserted a claim under Virginia’s wrongful death statute.

Defendants CECO Environmental Corp. and KD Shipyard Repairs, LLC previously filed motions to dismiss Count VIII. After a hearing on the motions by CECO Environmental and KD Shipyard Repairs, Magistrate Judge Leonard found that the claim under Virginia’s wrongful death statute was preempted by general maritime law and recommended dismissal. *Report and Recommendation, ECF No. 93.*

The Plaintiff did not object to Judge Leonard’s recommendation as to the Virginia wrongful death claim. *ECF No. 96.* Accordingly, the Plaintiff also does not oppose Coastal’s

motion to dismiss Count VIII.

Respectfully submitted,
DOUGLAS I. HORNSBY, Administrator
of the Estate of CYNTHIA GARY

By: /s/ Andrew M. Hendrick

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of November, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to all counsel fo record.

/s/ Andrew M. Hendrick

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